



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 27 2001

CERTIFIED MAIL #7000 1670 0002 9182 9112
RETURN RECEIPT REQUESTED

In Reply Refer to:
EPA File No: 11R-00-R5

CERTIFIED MAIL #7000 1670 0002 9182 9105
RETURN RECEIPT REQUESTED

Ms. Ophelia Averitt, President
Akron Ohio NAACP
1419 Copley Road
Akron, Ohio 44320

Re: Partial Rejection, Request for Clarification and Referral

Dear [REDACTED] and Ms. Averitt:

On April 26, 2000, you filed a complaint with the U.S. Environmental Protection Agency's Office of Civil Rights. The complaint alleges violations of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and EPA's Title VI regulations at 40 C.F.R. Part 7. In the complaint you allege that the City of Twinsburg, Ohio has refused to provide plant water and sewer plant services to over 80 African American families living in the Twinsburg Township. You also allege that while the Summit County Health Department is aware of this situation, it has done nothing to remedy these conditions. In addition, you allege that a proposed merger between the City of Twinsburg and Twinsburg Township will deprive the Twinsburg Township minority population of adequate representation. The purpose of this letter is threefold. First, EPA is rejecting your allegation against the City of Twinsburg. Second, EPA needs additional information from you to determine whether to accept your complaint against the Summit County Health Department. Third, EPA wishes to inform you that it is referring your allegation concerning the proposed merger between the City of Twinsburg and the Township of Twinsburg to the U.S. Department of Justice, Civil Rights Division.

Under Title VI, a recipient of Federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI implementing regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). A complaint must meet the jurisdictional requirements described in EPA's Title VI regulations for investigations. First, it must be in writing. Second, it must



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describe an alleged discriminatory act that violates EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. 40 C.F.R. § 7.120. Fourth, because EPA's Title VI regulations only apply to applicants and recipients of EPA assistance, the complaint must identify an applicant or recipient of EPA assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

The allegation against the City of Twinsburg concerning its denial of services to 80 African American families does not meet all of the jurisdictional requirements. Specifically, this allegation does not describe a discriminatory act by a recipient of EPA funding. EPA has reviewed its records and these show that the City of Twinsburg does not receive any funding from EPA. Therefore, EPA has no recourse but to reject your allegation against the City of Twinsburg.

The allegation against the Summit County Health Department does not include enough information to determine whether it meets the jurisdictional requirements. This allegation states that the Summit County Health Department has ignored the City of Twinsburg's refusal to service minority residents in Twinsburg Township. However, your complaint does not mention a specific act by Summit County Health Department that occurred within 180 days of your filing of the complaint. In order to determine whether to accept your complaint for investigation, EPA must receive from you facts that indicate that the Summit County Health Department performed an act relevant to this allegation within 180 days of the date on which you filed your complaint. Please submit this information within 45 calendar days of your receipt of this letter. If EPA does not receive the requested information within this period, your complaint will not be accepted for investigation and EPA will close the file.

The allegation concerning the proposed merger between the City of Twinsburg and the Twinsburg Township does not fall under EPA's purview. However, EPA is in the process of referring that part of your complaint to the U.S. Department of Justice, Civil Rights Division. That office will contact you once they have reviewed the allegation in your complaint.

If you have any questions, please contact Eva Hahn by phone at (202) 564-8186, or by mail to the U.S. EPA, Office of Enforcement and Compliance Assurance (Mail Code 2201A), Title VI Task Force, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,


Karen Higginbotham
Acting Director

cc: Mr. Gene Nixon
Summit County Health Department
1100 Graham Road Circle
Stough, OH 44224-2992

Mr. Chris Campbell
Public Works Director
10231 Ravenna Road
Twinsburg, OH 44087

Katherine Procop, Mayor
City of Twinsburg
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Gail Ginsberg, Chair
Title VI Task Force (MC 2201A)